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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,162

07/25/2003

Stephan Kirchmeyer

CH-7855/STA-211

2513

157 7590 08/14/2007  
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EXAMINER

RONESI, VICKEY M

ART UNIT

PAPER NUMBER

1714

MAIL DATE

DELIVERY MODE

08/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/627,162

Applicant(s)

KIRCHMEYER ET AL.

Examiner

Vickey Ronesi

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

2. The new grounds of rejection set forth below are necessitated by applicant's amendment filed on 6/7/2007. In particular, claims 11-26 are new. Thus, the following action is properly made final.

#### ***Claim Objections***

3. Claims 15 and 16 are objected to because "trfluoromethanesulfonic" is misspelled and should read as --trifluoromethanesulfonic-- and there should be a comma between "benzenesulfonic" and "methanesulfonic".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. Claims 7-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas et al (US 5,300,575) in view of Moehwald (US 4,728,399).

With respect to claims 7-10, the rejection is adequately set forth in paragraph 4 of Office action mailed on 12/8/2006 and is incorporated here by reference.

With respect to new claims 11-16, Jonas teaches the use of strong acids to decrease pH in order to increase polymerization rate (col. 4, lines 22-25). Those acids include hydrochloric acid, sulfonic acid, and aromatic sulfonic acids. Given that Jonas teaches the use of strong acids

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which intrinsically decreases the pH, including pH as low as presently claimed, in order to increase polymerization rate, it would have been obvious to one of ordinary skill in the art to having a pH of 1.0 or less.

With respect to new claims 17-24, Jonas et al teaches that the oxidizing agent is used in an amount of 0.1-2 equivalents per mol thiophene (col. 4, lines 15-21).

With respect to new claims 25 and 26, Jonas et al discloses that the solvent during polymerization is preferably water (col. 3, line 23).

#### ***Response to Arguments***

5. Applicant's arguments filed on 6/7/2007 have been fully considered but they are not persuasive. Specifically, applicant argues that unexpected results with respect to light transmission and conductivity are obtained by the use of peroxodisulfuric acid and a low pH-value.

In response, applicant's assertion of unexpected results has been considered, however, there is insufficient evidence to support such a claim. First, proper side-by-side examples have not been provided which can clearly establish unexpected results. In particular, Examples 13 and 15-18 and Comparative Example 3 are not proper side-by-side examples since there is less peroxodisulfuric acid oxidizing agent in Examples 13 and 15-18 (even when converted to molar amounts) than the sodium peroxodisulfate oxidizing agent in Comparative Example 3. Therefore, applicant has not established that a low pH like presently claimed results in improved transparency and conductivity (note that Example 14 shows that the oxidizing agent need not be peroxodisulfuric acid in order to impart desirable properties and that the type of oxidizing agent

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is not critical). Second, the inventive data and comparative data are not reasonably commensurate in scope with the scope of the claims. Case law holds that evidence is insufficient to rebut a *prima facie* case if not commensurate in scope with the claimed invention. *In re Grasselli*, 713 F.2d 731, 741, 218 USPQ 769, 777 (Fed. Cir. 1983). Specifically, the types of polyanion and solvents are not reasonably commensurate in scope.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/8/2007

Vickey Ronesi



/Vasu Jagannathan/  
Supervisory Patent Examiner  
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